

S. Gellibrand A

T R E A T Y

For the *{Composing of Differences,
Restraining of Depredations, and
Establishing of Peace}*

I N

A M E R I C A,

Between the C R O W N S of
G R E A T B R I T A I N
and *S P A I N.*

Concluded at *Madrid* the ^{1st} Day of *July*,
in the Year of our Lord, 1670.

Translated out of L A T I N.

Published by His Majesties Command.

L O N D O N,

Printed by *Charles Bill*, and the Executrix of *Thomas Newcomb* deceas'd; Printers to the Kings most Excellent Majesty. 1698.

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A T R E A T Y for the Composing of
 Differences, Restraining of Depredations,
 and the Establishing of Peace in Amer-
 ica, between the Crowns of Great Bri-
 tain and Spain.



Hereas for many years past
 the good Understanding and
 Correspondence between the
 English and Spanish Nations
 having been disturbed in
 America, It pleased the Most
 Serene and Powerful Prince
 CHARLES King of Great

Britain, &c. in order to the Restoring and Re-
 gulating the same for the future, to send into
 Spain His Envoy Extraordinary Sir William Go-
 dolphin Knight, with full Authority and Power
 to make any Treaty convenient and proper for
 that end : And likewise the Most Serene and
 Powerful CHARLES King of Spain, &c. and
 the Queen Regent MARIA-ANNA, &c. for
 the carrying on a work of so much Piety and
 Publick Good, Deputed on their Part the Earl
 of Penaranda, Councillor of State, and President

of the *Indies*, to Confer, Treat, and Conclude thereupon with the said Sir *William Godolphin*: At length they mutually Resolved and Agreed upon the Articles of the following Treaty in Virtue of their several Commissions.

I.

First, It is Agreed between the above-mentioned Plenipotentiaries Sir *William Godolphin* and the Earl of *Penaranda*, in the Names of the Most Serene Kings respectively, their Masters, That the Articles of Peace and Alliance made between the Crowns of *Great Britain* and *Spain* in *Madrid*, on the ¹³ of *May*, 1667, or any clause thereof, shall in no manner be deemed or understood to be taken away, or abrogated by this present Treaty; but that the same shall remain perpetually in their ancient force, stability and vigour, so far forth as they are not contrary or repugnant to this present Convention and Articles, or to any thing therein contained.

II.

THAT there be an *Universal Peace*, true and sincere Amity in *America*, as in the other parts of the World, between the most Serene Kings of *Great Britain* and *Spain*, their Heirs and Successors, and between the Kingdoms, States, Plantations, Colonies, Forts, Cities, Islands and Dominions, without any distinction of Place belonging

longing unto either of them, and between the People and Inhabitants under their respective Obedience, which shall endure from this day for ever, and be observed inviolably, as well by Land as by Sea, and fresh Waters, so as to promote each the Welfare and Advantage of the other, and favour and assist one another with mutual Love ; and that every where, as well in those remote Countries as in these which are neerer, the faithful Offices of good Neighbourhood and Friendship may be exercised, and encrease between them.

III.

Also, that for the time to come, all Enmities, Hostilities and Discords between the said Kings, their Subjects and Inhabitants, cease, and be abolished : And, that both Parties do altogether forbear and abstain from all Plundering, Depredation, Injuries and Infestation whatsoever, as well by Land as by Sea, and in fresh-waters, every where.

IV.

THe said Most Serene Kings shall take care that their Subjects do accordingly abstain from all Force and wrong doing : And they shall Revoke all Commissions and Letters of Reprisal and Mart, or otherwise, containing Licence to take Prizes, of what condition or kind soever, being to the Prejudice of the one or other of

of the said Kings, or of their Subjects, whether the same have been given or granted by them unto Subjects or Inhabitants, or unto Strangers ; and shall declare the same to be void and of no force, as by this Treaty of Peace they are declared so to be : And whosoever shall do any thing to the contrary, he shall be punished not only Criminally, according to the merit of his Offence, but shall also be compell'd to make Restitution and Satisfaction for the Losses to the Parties damaged, requiring the same.

V.

And furthermore, the said Kings shall de-nounce, as by the Tenor of these Presents every of them hath and doth Renounce, whatsoever League, Confederation, Capitulation, and Intelligence made by what manner soever in the Prejudice of the one or the other, which doth or may repugn against this Peace and Concord, and all and singular the Contents thereof : All which and every of them, so far as they do concern the effect aforesaid, they shall annul and make void, and declare to be of no force or moment.

VI.

The Prisoners on both sides, one and all, of what degree or condition soever, detained by reason of any Hostilities hitherto committed in *America*, shall be forthwith set at liberty, without Ransom, or any other Price of their Freedom.

VII. All

VII.

ALL Offences, Damages, Losses, Injuries which the Nations and People of Great Britain and Spain have at any time heretofore, upon what Cause or Pretext soever suffered by each other in America, shall be expunged out of remembrance, and buried in Oblivion, as if no such thing had ever past.

Moreover, It is Agreed, That the Most Serene King of Great Britain, His Heirs and Successors, shall have, hold, keep and enjoy for ever, with plenary Right of Sovereignty, Dominion, Possession and Propriety all those Lands, Regions, Islands, Colonies and Places whatsoever, being or situated in the West-Indies, or in any Part of America, which the said King of Great Britain and His Subjects do at present hold and possess ; So as that in regard thereof, or upon any Colour or Pretence whatsoever, Nothing more may or ought to be urged, nor any Question or Controversie be ever moved concerning the same hereafter.

VIII.

THE Subjects and Inhabitants, Merchants, Captains, Masters of Ships, Mariners of the Kingdoms, Provinces and Dominions of each Confederate respectively, shall abstain and forbear to Sail and Trade in the Ports and Havens which have Fortifications, Castles, Magazines or Ware-houses, and in all other places whatsoever possessed by the other Party in the West-

West-Indies ; to wit, The Subjects of the King of Great Britain shall not Sail unto, and Trade in the Havens and Places which the Catholick King holdeth in the said Indies : Nor in like manner shall the Subjects of the King of Spain Sail unto, or Trade in those Places which are Possessed there by the King of Great Britain.

IX.

But, if at any time hereafter either King shall think fit to grant unto the Subjects of the other any general or particular Licence or Priviledges of Navigating unto, and Trading in any places under His Obedience who shall grant the same, The said Navigation and Trade shall be exercised and maintained according to the Form, Tenor and Effect of the said Permissions or Priviledges to be allowed and given ; For the Security, Warrant and Authority whereof, this present Treaty and the Ratification thereof shall serve.

X.

IT is also Agreed, That in case the Subjects and Inhabitants of either of the Confederates, with their Shipping (whether publick and of War, or private and of Merchants) be forced at any time, through stress of Weather, Pursuit of Pirates and Enemies, or other inconvenience whatsoever, for the seeking of Shelter and Harbour, to retreat and enter into any of the Rivers,

vers, Creeks, Bayes, Havens, Roads, Shores, and Ports belonging to the other in *America*, they shall be received and treated there with all Humanity and Kindness, and enjoy all friendly Protection and Help: And it shall be lawful for them to refresh and provide themselves at Reasonable, and the Usual Rates, with Victuals and all things Needful; either for the sustenance of their Persons, or reparation of their Ships, and conveniency of their Voyage; And they shall in no manner be detained or hindred from returning out of the said Ports or Roads, but shall remove and depart when and whither they please, without any let or impediment.

X I.

Ilkewise, if any Ships belonging to either Confederate, their People and Subjects, shall within the Coasts or Dominions of the other stick upon the Sands, or be Wreck'd, (which God forbid) or suffer any damage, the Persons Shipwreck'd and cast on the Shore shall in no sort be kept Prisoners, but on the contrary all Friendly Assistance and Relief shall be Adminis-tered to their Distress, and Letters of Safe-con-duct given them for their free and quiet Pas-sage thence, and the return of every one to his own Countrey.

(10)

XII.

But when it shall happen , that the Ships
of either (as is above-mentioned) through
danger of the Sea, or other urgent Cause, be
driven into the Ports and Havens of the o-
ther , if they be Three or Four together,
and may give just ground of Suspicion, they
shall immediately upon their arrival acquaint
the Governour, or Chief Magistrate of the Place
with the Cause of their coming, and shall stay
no longer there than the said Governour or
Chief Magistrate will permit, and shall be re-
quisite for the furnishing themselves with Vi-
ctuals, and Reparation of their Ships : And
they shall always take care not to carry out
of their Ships any Goods or Packs, exposing
them to Sale, neither shall they receive any
Merchandise on Board, nor do any thing con-
trary to this Treaty.

XIII.

Both Parties shall truly and firmly observe
and execute this present Treaty, and all
and every the matters therein contained, and
effectually cause the same to be observed and
Performed by the Subjects and Inhabitants of
either Nation.

XIV. No

XIV.

NO private Injury shall in any sort weaken this Treaty, nor beget hatred or dissensions between the foresaid Nations, but every one shall answer for his own proper Fact, and be prosecuted thereupon ; Neither shall one man satisfie for the offence of another by Re-prisals, or other such like odious proceedings, unless Justice be denied, or unreasonably delayed, in which case it shall be Lawful for that King, whose Subject hath suffered the Loss and Injury, to take any Course according to the *Rules and Method of the Law of Nations*, until reparation be made to the Sufferer.

XV.

THe present Treaty shall in nothing derogate from any Pre-eminence, Right or Dominion of either Confederate in the *American Seas, Channels or Waters*, but that they have and retain the same in as full and ample manner, as may of Right belong unto them : But it is always to be understood, That the *Liberty of Navigation* ought in no manner to be disturbed, where nothing is committed against the Genuine Sence and meaning of these Articles.

XVI. Lastly

XVI.

LASTLY, The Solemn Ratifications of this present Treaty and Agreement, made in due form, shall be delivered on both sides, and mutually exchanged within the space of Four Months from this Day ; And within Eight Months, to be computed from the said Exchange of the Instruments, (or sooner if possible) they shall be published in all convenient places throughout the Kingdoms, States, Islands and Dominions of both Confederates, as well in the West-Indies as elsewhere.

In Testimony of all and singular the Contents hereof, We the above-mentioned Plenipotentiaries have Signed and Sealed this present Treaty, At Madrid the 8th Day of July, in the Year of our Lord, 1670.

The Count of
Penaranda,

L S.

William Godolphin,

L S.

F I N I S.

